

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

PERIODIC REPORTING
(PROPOSAL FOUR)

Docket No. RM2016-12

RESPONSE OF THE UNITED STATES POSTAL SERVICE TO UPS
MOTION FOR EXTENSION OF TIME FOR INITIAL COMMENTS
(October 3, 2016)

The United States Postal Service hereby responds to the Motion filed by UPS on September 30, 2016, seeking a two-week extension in the October 7th date previously set by the Commission for the submission of initial comments on Proposal Four. UPS has not sufficiently justified the requested two-week extension. The Postal Service would not oppose a one-week extension for initial comments, provided that a similar one-week extension is made in the short (currently two-week) period afforded for reply comments.

Background

In response to a petition by the Postal Service, the Commission issued Order No. 3482 on August 24, 2016, initiating this docket and setting a period of six weeks (until October 7) for initial comments, and a period of just two weeks (until October 21) for reply comments. Six days after initiation, on August 30, the Public Representative sought an information request, which was subsequently issued as ChIR No. 1, to which the Postal Service responded on a timely basis. Two weeks after initiation, on September 7, UPS moved for access to confidential material. Less than a month after initiation, on September 20, the Public Representative moved for a second information

request, which was subsequently issued as ChIR No. 2, to which the Postal Service responded on a timely basis.

With just ten days left in the comment period, on September 27, UPS sought an additional information request. To accommodate UPS, the Chairman very shortly thereafter issued ChIR No. 3, giving the Postal Service less than a week to respond. With just eight days left in the comment period, on September 29, UPS moved for yet another information request. The latest UPS request seeks basic information about TRACS data filed in previous cases -- questions that easily could have been asked in the first weeks of the case.

Instant Motion for Extension

The next day, on September 30, UPS filed the instant request for an extension of time. The justification UPS advanced in support of its motion is the short interval set by the Chairman between the due date for response to ChIR No. 3 and the due date for comments, as well as the need for even more time if the Commission further accommodates UPS with respect to the TRACS questions submitted the day before the motion. UPS Motion at 2. These circumstances, however, are entirely of UPS's own creation. Had UPS moved with the same promptness as the Public Representative and posed its questions before the end of the comment period, these circumstances could have been avoided. At the very least, citing short intervals caused by its own failure to act more timely as the basis for a delay in the previously-established procedural schedule is an exercise in circular reasoning.

If the Commission is inclined to revise the due date for initial comments, the Postal Service submits that a more reasonable extension would be one week. In that

case, however, UPS is likely to use the additional time to add further complexities to whatever analyses it intends to submit with respect to Proposal Four. Experience shows that, not surprisingly, the more time UPS's analysts (or any analysts) have to develop alternatives, the more time parties like the Postal Service would need to properly prepare to respond to those alternatives. Consequently, if the Commission were to grant UPS a one-week extension for initial comments, the Postal Service submits that a corresponding one-week extension (i.e., a total interval of three weeks) should be granted for reply comments as well.¹

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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¹ Needless to say, of course, granting the requested two-week extension for initial comments would make the need for an extension in the reply-comment interval even more imperative.